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**CALIFORNIA STATE PERSONNEL BOARD**

801 Capitol Mall • Sacramento, CA 95814

**WHEREAS**, at its meeting on February 7-8, 2002, the State Personnel Board (Board or SPB) issued its Precedential Decision No. 02-01 in the Matter of the Appeals by Antonio Archuleta, Andrew Madison, Raymond S. Prochnow, Greg Francis, Larry K. Watkins, and Christian Banzet, SPB Case Nos. 01-2615, 01-4125, 01-2900, 01-3255, 01-4218, and 01-2868 (hereinafter "Archuleta"); and

**WHEREAS**, the Board's Archuleta decision provides, *inter alia*, that, prior to the approval of any stipulation for settlement submitted to the Board for the approval of the settlement of a disciplinary action taken against an employee covered by a memorandum of understanding that contains a grievance and arbitration process that fails to provide for review of the disciplinary action by the Board, the Board will require the parties to provide written assurances to the Board under penalty of perjury that the disciplinary action settled by such stipulation has not been submitted to or settled by any process for the review of disciplinary action other than the SPB, including but not limited to any Board of Adjustment, arbitrator, or any other similar process set forth in any memorandum of understanding that has not been sanctioned by the SPB as consistent with the SPB's constitutional review function; and

**WHEREAS**, on December 1, 2005, the California Supreme Court issued its decision in the case of State Personnel Board v. Department of Personnel Administration (2005) 37 Cal.4th 512, holding the grievance and arbitration processes for the review of disciplinary actions set forth in memoranda of understanding covering State Bargaining Units 8, 11, 12

and 13 unconstitutional, and affirmed the decisions of the Third District Court of Appeal and the Sacramento Superior Court prohibiting the use of such processes; and

**WHEREAS**, the decision of the California Supreme Court is now final; and

**WHEREAS**, given the decision of the California Supreme Court, the Board presumes that, henceforth, any settlement of a disciplinary action presented to it for approval pursuant to Government Code section 18681 has not been submitted to or settled by any process for the review of disciplinary actions other than the SPB, including but not limited to any Board of Adjustment, arbitrator, or any other similar process set forth in any memorandum of understanding that has not been sanctioned by the SPB as consistent with the SPB's constitutional review function or that otherwise bypasses the SPB's constitutionally mandated review of disciplinary actions;

**IT IS RESOLVED AND ORDERED THAT**, in light of the decision of the California Supreme Court:

1. Effective the date of adoption of this Resolution by the Board, the Board will no longer require the assurances set forth in its Archuleta decision as a condition of approving settlements submitted to it under Government Code 18631;
2. The decision in the matter of the appeal by Antonio Archuleta, et al., SPB Case No. 02-01, is hereby vacated;
3. Nothing herein shall preclude the Board from refusing to approve a stipulation for settlement or seeking appropriate judicial relief in the event it determines that such settlement was obtained in a manner

inconsistent with the interests protected by the State's merit civil service system as defined in Article VII of the California Constitution and the State Civil Service Act (Government Code section 18500 et seq.);

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The foregoing resolution was made and adopted by the State Personnel Board at its meeting on February 7, 2006 as reflected in the record of the meeting and Board minutes.